

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JULIUS R. CARTER,

Plaintiff,

Case No. 14-13568

Hon. Victoria A. Roberts

v.

SECRETARY OF VETERANS AFFAIRS,

Defendant.

ORDER DISMISSING CLAIM FOR LACK OF JURISDICTION

Pro se Plaintiff Julius Carter (“Carter”) filed a Complaint against Defendant Secretary of Veterans Affairs (“Secretary”), and requests to proceed *in forma pauperis* (“IFP”); however, the Court **DISMISSES** his claim for lack of jurisdiction.

Carter challenges the alleged “wrongful charge with overpayment of benefits of \$19,000.00 of more.” He asks the Court to “give me my legal rights (constitutional rights)[,] equal right under the law, pain and suffering, punitive damages, mental distress and refunding all monies that was [sic] taken.”

Matters related to benefit decisions are not within the jurisdiction of the United States District Courts. 38 U.S.C.A. § 511; *Beamon v. Brown*, 125 F.3d 965, 970-71 (6th Cir. 1997). To challenge the propriety of the Secretary’s withholding of funds, Carter must follow the process identified by the Secretary, which may include an appeal to the Board of Veterans’ Appeals, perhaps an appeal of that decision to the Court of Appeals for Veterans’ Claims, and finally if necessary an appeal to the United States Court of Appeals for the Federal Circuit.

Since the Court lacks subject matter jurisdiction, Carter's claim is **DISMISSED**.

IT IS ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: August 13, 2015

The undersigned certifies that a copy of this document was served on the attorneys of record and Julius R. Carter by electronic means or U.S. Mail on August 13, 2015.

S/Carol A. Pinegar

Deputy Clerk